

**Notice of Allowability**

Application No.

10/086,478

Examiner

Kyle R. Stork

Applicant(s)

FAYAN ET AL.

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination and amendment filed 5 April 2006.
2. ☒ The allowed claim(s) is/are 1-8,12-16 and 18-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. This office action is in response to the request for continued examination and amendment filed 5 April 2006.
2. Claims 1-8, 12-16, and 18-38 are pending. Claims 1, 22-29, and 34-38 are independent claims. The rejection of claims 1-8, 12-16, 18-28, 30-32, and 36-38 under 35 U.S.C. 112 have been withdrawn as necessitated by the amendment. The rejection of claims 1-2, 12, 14, 22-23, 25-32, and 34-38 under 35 U.S.C. 102 under Baumgartner et al. (US 5642171, 1997) and claims 3-8, 13, 15-16, 18-21, 24, and 33 under 35 U.S.C. 103 under Baumgartner and Levine et al. ("A Sine+Transients+Noise Audio Representation for Data Compression and Time/Pitch Scale Modification," 1998), Cornog et al. (US 6665450, filed 2000), Shapiro et al. (Computer Vision, 2001), Fay et al. (US 2002/0143547, filed 2001), and Boezman (US 6188396, filed 2001) have been withdrawn as necessitated by the amendment.

### ***Allowable Subject Matter***

3. Claims 1-8, 12-16, and 18-38 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art of record neither discloses nor suggests to one of ordinary skill in the art at the time of the applicant's invention to provide a retiming function for a rampable retiming effect that maps output times, for a sequence of audio samples and a sequence of video samples, to input times. Further, the art of record neither discloses nor suggests to one

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of ordinary skill in the art at the time of the applicant's invention to compute an output video sample for the output time by applying a video resampling function to a plurality of input video samples from points in time surrounding the corresponding input time, wherein the video resampling function combines information from the plurality of input video samples to produce the output video sample.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle R Stork  
Patent Examiner  
Art Unit 2178

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STEPHEN HONG  
SUPERVISORY PATENT EXAMINER